

MICHAEL SONNER,)	
)	
Petitioner,)	2:00-cv-1101 KJD-CWH
)	
vs.)	
)	
RENEE BAKER, ¹ <i>et al.</i> ,)	ORDER
)	
Respondents.)	
	/	

On December 21, 2006, this court entered a stay in the federal proceedings to allow petitioner to exhaust “all unexhausted claims” in his amended petition. Docket #113. On December 19, 2011, petitioner filed a motion to lift the stay and reopen these proceedings, indicating that his state court proceedings have been concluded. Docket #127. Respondents have not filed an opposition or other response to petitioner’s motion.

Good cause appearing, the court shall reopen proceedings in this matter,

IT IS THEREFORE ORDERED that petitioner's motion to lift stay (docket #127) is GRANTED. The Clerk shall administratively REOPEN this action. The stay of this action is lifted.

IT IS FURTHER ORDERED that further proceedings in this matter are scheduled as

¹ Renee Baker is substituted for her predecessor, E.K. McDaniel, as Warden of Ely State Prison. Fed. R. Civ. P. 25(d).

1 follows:

2 1. **Response to Petition.** Respondents shall have until and including **March 9, 2012**, to
3 file and serve an answer or other response to petitioner's amended petition for writ of habeas corpus
4 (docket #96).

5 2. **Reply and Response to Reply.** Petitioner shall have **forty-five (45) days** following
6 service of an answer by respondents to file and serve a reply. Respondents shall thereafter have
7 **thirty (30) days** following service of a reply to file and serve a response to the reply.

8 3. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner
9 shall have **thirty (30) days** following service of the motion to file and serve an opposition to the
10 motion. Respondents shall thereafter have **thirty (30) days** following service of the opposition to the
11 motion to file and serve a reply.

12 4. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing, petitioner
13 shall file and serve a motion for an evidentiary hearing concurrently with, but separate from, his reply
14 to respondents' answer or his opposition to respondents' motion to dismiss. The motion for an
15 evidentiary hearing must specifically address why an evidentiary hearing is required, and must meet
16 the applicable requirements of 28 U.S.C. § 2254(e). The motion must identify whether an evidentiary
17 hearing was held in state court, and, if so, state where the transcript is located in the record. If
18 petitioner files a motion for an evidentiary hearing, respondents shall file and serve a response to that
19 motion concurrently with, but separate from, their response to petitioner's reply or their reply in
20 support of a motion to dismiss. Petitioner shall thereafter have **twenty (20) days**, following service
21 of respondents' response to the motion for an evidentiary hearing, to file and serve a reply in support
22 of that motion.

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1 **IT IS FURTHER ORDERED** that the Clerk of the Court shall substitute Renee Baker for
2 E.K. McDaniel, on the docket, as the respondent warden in this action, and shall update the caption of
3 the action to reflect this change.

4 DATED: January 9, 2012

A handwritten signature in black ink, appearing to be "Renee Baker", written over a horizontal line.

7 UNITED STATES DISTRICT JUDGE